

PATENT  
ATTORNEY DOCKET NO.: 040894-7016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Katsunori ONISHI ) Confirmation No. 1702  
Application No.: 10/806,475 ) Group Art Unit: 2627  
Filed: March 23, 2004 ) Examiner: Castro, A.  
For: DISK APPARATUS ) Mail Stop 313(c)

**HAND CARRY**

Commissioner for Patents  
**OFFICE OF PETITIONS, Mail Stop 313(c)**  
600 Dulany Street  
Madison West Bldg.  
Alexandria, VA 22314  
Telephone: 571-272-3282

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement (IDS) is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The Japanese language documents listed in this IDS were cited in an "Examiner's Technical Opinion" dated June 6, 2003 in a counterpart Japanese Utility Model Application that served as the priority application of the present application. A copy of the Japanese Examiner's

Technical Opinion (with translation attached) and the listed documents (with translations thereof) are attached. JP 01-287875-A cited in the Examiner's Technical Opinion was cited in the IDS of March 23, 2004, and therefore, is not listed in this IDS. However, USPN 5,063,548 (which is a US counterpart to JP 01-287875-A) is additionally listed in this IDS.

Applicant requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents is material or constitutes "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

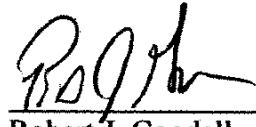
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Account No. 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Robert J. Goodell  
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Date: January 5, 2007

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<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary) <b>PTO Form 1449</b>  <b>PAGE 1 of 1</b>			Attorney Docket No.:		Application No.:			
			040894-7016		10/806,475			
			Applicant: Katsunori OHISHI				Confirmation No.: 1702	
			Filing Date: March 23, 2004		Group Art Unit: 2627			
<b>U.S. PATENT DOCUMENTS</b>								
*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date	
		5,063,548	Nov. 5, 1991	Yamashita et al.				
<b>FOREIGN PATENT DOCUMENTS</b>								
		Document Number	Date	Country	Class	Sub Class	Translation	
		3082214-U	Sept. 12, 2001	Japan			YES X NO	
		2002-288948	Oct. 4, 2002	Japan			YES X NO	
		2001-307438	Nov. 2, 2001	Japan			YES X NO	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>								
Examiner				Date Considered				
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								